

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

ALASKA STATE BOARD OF PHARMACY

MINUTES OF MEETING  
February 9-10, 2006

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting of the Board of Pharmacy was held on February 9, 2006 at the Atwood Building, 550 West 7<sup>th</sup> Ave., Suite 1270, Anchorage, AK and February 10, 2006 at the Hotel Captain Cook, Club Room 2, Anchorage, AK.

**Call to Order/Roll Call**

The meeting was called to order by Cindy Bueler, Chair, February 9, 2006 at 9:07 a.m. Those present constituting a quorum of the board, were:

Cindy Bueler, R. Ph.  
William Altland, R. Ph.  
Gary Givens, R. Ph.  
Mary Mundell, R. Ph.  
Leona Oberts  
Margaret Soden, R. Ph.

Michael Pauley was not present at the meeting.

Present from the Division of Corporations, Business and Professional Licensing were:

Sher Zinn, Licensing Examiner  
George Weaver, Investigator

Present via telephone were:

Jenny Strickler, Chief of Professional Licensing, agenda item 6  
Cathy Mason, Administrative Manager, agenda item 6  
Judy Weske, Licensing Supervisor, agenda item 6  
Jun Maiquis, Regulation Specialist, agenda item 6  
Rick Younkens, Chief Investigator, agenda item 6

Visitors present:

Ron Miller, agenda item 6

**Agenda Item 1      Review of Agenda**

The board approved the agenda with the following changes:

**On a motion duly made by Ms. Soden, seconded by Mr. Givens, and approved unanimously, it was**

**RESOLVED to approve the agenda with the following amendments:**

**Add Medicare Part D E-Prescribing Standards to agenda item 5; move the Budget Report from agenda item 15 to agenda item 5; add the fee change regulation to item 5; add article from Ms. Soden to item 9; item 11 to be taken off the agenda; items 16 and 7 switched.**

**Agenda Item 2      Review of Minutes**

The board reviewed the minutes from the September 29-30, 2005 meeting. The following corrections were noted by Ms. Bueler:

- Page 6, agenda item 5, line 5, take out "and answer sheet"

**On a motion duly made by Ms. Soden, seconded by Mr. Givens, and approved unanimously, it was**

**RESOLVED to approve the minutes of the September 29-30, 2006 meeting with the corrections noted.**

The board reviewed the minutes from the December 13, 2005 teleconference.

**On a motion duly made by Ms. Soden, seconded by Mr. Givens, and approved unanimously, it was**

**RESOLVED to approve the minutes of the December 13, 2005 teleconference.**

**Agenda Item 3      Ethics Disclosure**

Ms. Oberts joined the meeting at 9:17 a.m.

There were no ethics violations to report.

The board discussed whether a board member should recuse themselves from voting on a disciplinary action when the board member has been personally associated with the situation. Mr. Givens noted that in the past he had voted on a disciplinary action against a technician when he knew of the situation because he felt he could be objective in that situation. Ms. Soden noted that in Alaska with the small population, it would be difficult for board members to be personally

unaware of disciplinary situations. Ms. Bueler stated that when the time came to vote on disciplinary action, the board would have to review each case and decide individually if a board member should recuse themselves from voting in the matter. Ms. Soden stated there are three reasons to consider regarding a conflict on a matter, and the board chair was to make the determination whether the board member would have a conflict.

**Agenda Item 4      Goals and Objectives**

1. The board will continue to educate licensees regarding the Pharmacy Practice Act and Pharmacy regulations.
2. The board will continue to provide input and comment on any proposed legislation/regulations involving medications or pharmaceutical care.
3. The board will continue to promote effective patient counseling by licensees.
4. The board will continue to assess and evaluate the Multi-State Pharmacy Jurisprudence Examination (MPJE).
5. The board will continue to assess and evaluate the jurisprudence practice exam and its effectiveness as a learning tool for interns.
6. The board will continue to assess and evaluate the licensing of pharmacy technicians.
7. The board will continue their affiliation with NABP and send one board member to the District VII NABP meeting and two members to the annual NABP meeting. The Division's budget currently allows one out-of-state travel per fiscal year; this is generally used for attendance at the District VII NABP meeting.
8. The board will continue to evaluate the need for regulations specific to facility activities (i.e.; retail pharmacies, drug rooms institutional pharmacies, home infusion pharmacies, nuclear pharmacies, remote sites, sterile products, etc.).
9. The board will continue to evaluate regulations regarding the electronic transmission of prescriptions.
10. The board will continue to evaluate regulations regarding collaborative practice and to establish procedures for reviewing/approving appropriate protocols for collaborative practice.
11. The board will assess and evaluate the growing public concern regarding abuse of prescription drugs.

**Agenda Item 5      Election of Officers**

**On a motion duly made by Ms. Soden, seconded by Mr. Givens, and approved unanimously, it was**

**RESOLVED to nominate and elect Cindy Bueler as the Board Chair.**

**On a motion duly made by Ms. Soden, seconded by Ms. Mundell, and approved unanimously, it was**

**RESOLVED to nominate and elect Bill Altland as the Board Vice Chair.**

**On a motion duly made by Ms. Bueler, seconded by Mr. Altland, and approved unanimously, it was**

**RESOLVED to nominate and elect Gary Givens as the Board Secretary.**

**Agenda Item 6      Regulations**

The board reviewed the proposed jurisprudence questionnaires for the technician and pharmacist renewals. Ms. Bueler requested that a hard copy of the Statute and Regulation book be sent out with the renewal and questionnaire to each licensee. Ms. Bueler asked the board if it was their desire to use the questionnaire as part of each renewal requirement. Ms. Mundell stated that since technicians do not need previous experience or have to pass an exam to be licensed, they would have some experience from on the job training before they would have to complete the questionnaire, giving the regulations more relevance to the technician. Mr. Altland noted that the technician questionnaire had more questions than the pharmacist questionnaire. Ms. Bueler stated she would write more questions for the pharmacist questionnaire and delete three questions from the technician questionnaire to equal the number of questions for both to 25.

**On a motion duly made by Ms. Soden, seconded by Ms. Mundell, and approved unanimously, it was**

**RESOLVED to send the proposed jurisprudence questionnaire renewal regulations for pharmacists and technicians, 12 AAC 52.300, to the regulation specialist for public notice.**

**On a motion duly made by Ms. Soden, seconded by Mr. Altland, and approved unanimously, it was**

**RESOLVED to ammend the motion to include 12 AAC 52.310 in the proposed regulations to be sent out for public notice.**

Ms. Bueler gave background information on a facility with a drug room. The facility with the drug room is located in Cordova and the consultant pharmacist is located in Anchorage. The question is, how does the facility meet the regulation requiring direct supervision of a technician by the pharmacist if the pharmacist is not in the same community? The technician's duties would include stocking, ordering and pulling outdates. At the September board meeting, the board requested Ms. Zinn query other state boards which may possibly have a similar license to the drug room license. Ms. Zinn noted that she had queried 11 state boards that have similar demographics as Alaska. Ten states responded, none of the states have a similar license as the drug room license. Some states would require a telepharmacy license, some allow the pharmacist to be on duty part time, however the pharmacy may not be open unless the pharmacist is on duty. Ms. Bueler asked the board if they would like to change the definition of a technician to work in a drug room, or change the responsibilities of the consultant pharmacist. Ms. Mundell noted that there should be some kind of pharmacist oversight of the technician. Mr. Givens stated he did not believe the board should pursue a regulation change for one facility. He noted that this is the only drug room that cannot meet the regulations. Ms. Soden stated that maybe the way to address the issue is to have an additional requirement for a drug room, that would include only licensed personnel may order medications. Mr. Altland noted that the issue may come up again in the future with other small rural facilities and it should be addressed. Mr. Givens noted that the board is dealing with two separate issues. One is the definition of the technician, the other is the location of the consulting pharmacist. Ms. Bueler noted the facility is asking the board for a ruling on both issues. Ms. Bueler stated that the board should get input from consultant pharmacists on what they do and how often they are at the facility before the board pursues a regulation change. Ms. Mundell suggested that the board begin by requiring the consultant pharmacist to be at the facility at least every thirty days and later the board may want to add additional responsibilities of the consultant pharmacist. It was decided after further discussion, the board would look at changing the drug room regulations as one project together with other regulations that need updating.

Jenny Strickler, Cathy Mason, Judy Weske, Jun Maiquis and Rick Younkens joined the meeting from Juneau via telephone to discuss the fee change regulation and the board's budget report. Cathy Mason, administrative manager, explained the budget report to the board. Ms. Mason then reviewed the financial overview showing the income and expenses for the board since fiscal year 2004. Ms. Mason noted that the license fees will need to be adjusted to help make up the deficit the board has incurred over the last several years. Ms. Bueler noted that pharmacy technicians rate of pay is quite "a bit" lower than pharmacists, therefore she asked that the division change the proposed renewal fees for pharmacy technicians from \$205 to \$100 and change the out-of-state pharmacy renewal fees from \$265 to \$400. Mr. Givens noted that with the change from the proposed technician fee, there would be a greater deficit and suggested other facility fees should be increased to help offset the lowered technician fee. After further discussion, the board decided to increase the renewal fees for out-of-state pharmacies and wholesale drug distributors to \$400, pharmacies, drug rooms

and pharmacist renewal fees to \$300, and technician renewal fees to \$100. Ms. Strickler noted that after computation of the current proposed figures, almost half of the deficit would be made up at the next renewal. That would bring the deficit down by \$56,869 as opposed to the \$76,215 in the original proposal. Ms. Bueler asked if the legal expenses for the Alaska Medical Association's lawsuit against the Board of Pharmacy is reflected in the current budget report. Ms. Strickler noted that the costs are reflected in the current budget if the lawsuit occurred during fiscal years 2004 and 2005. Mr. Givens noted that the board would still be charged for the AG opinion requested by the board regarding licensing of Native Facilities. Ms. Strickler noted that the current direct contractual fees are low for fiscal year 2006. Ms. Mason noted that the AG opinion is not reflected in the 2006 budget, she further noted that the indirect contractual fees may go down once the fees have been allocated to the individual programs that the fees apply to. Ms. Bueler asked how long before the renewal fee regulation would go into effect since the renewal date for pharmacy is June 30<sup>th</sup>. Ms. Strickler stated that the fee project will now be sent to the regulation specialist to start the process and should be in effect for a May 1<sup>st</sup> mailing of the renewal applications. Ms. Bueler noted that the board would like to communicate the fee increase to the Alaska Pharmacists Association so that they would be aware well in advance of the renewal. Ms. Strickler said that she would speak with the director for his approval and would notify the board by the end of the day.

Ms. Zinn told Mr. Maiquis, regulation specialist, that the board had voted on the jurisprudence questionnaire regulation project to be sent out for public notice. Mr. Maiquis stated he would work on getting the public notice out the following day.

### **Break**

Off the record at 10:38 a.m.  
On the record at 10:58 a.m.

The board discussed pharmacy technician licensing regarding whether there should be two levels of technician licenses. Mr. Givens said that the state of Washington has two levels, one like Alaska's technician license and another level where the technician has to pass a course provided by the board. Ms. Bueler noted the board received an opinion from the Alaska Pharmacists Association as being against mandatory certification of pharmacy technicians. Mr. Givens noted that he would like to see two levels, one level with current qualifications and another with more experience with greater responsibility. Ms. Bueler asked Ron Miller for his opinion on two levels. Mr. Miller stated Washington has two levels, and Safeway in Alaska for which he works, has two levels with two pay scales. The higher level technician goes through the Washington manual, is tested on 135 questions, and must pass a typing test for speed and proficiency. Mr. Miller noted it is a difficult test, he has had interns take the test and not pass it. He also said that he would like individual pharmacists to decide what level the technician would be at by demonstration of their abilities. Mr. Miller noted that they have a process for refills where the prescription has a bar code and the

bottle has a bar code. Both are then scanned to make sure the prescription is correct, this would eliminate the chance of getting the wrong drug. He further noted that with bar coding, errors on refills had gone down 75 to 80 percent.

The board discussed the telepharmacy regulations that go into effect February 15, 2006. Mr. Miller asked the board if a pharmacy in Nome that is open 5 days a week with a licensed pharmacist on duty, could use a telepharmacy system on the weekends. The pharmacy would be staffed by technicians with the system linked to a pharmacy in Anchorage. That way the pharmacy in a remote area could be open seven days a week instead of five. Mr. Givens noted that situation was not the boards intent, however as long as he could meet the regulations, he said there was no reason why he could not do that.

The board reviewed the licensing requirements for the remote pharmacy license and decided they would need to add a license fee under 12 AAC 02.310(b), before the board could issue a remote pharmacy license.

**On a motion duly made by Ms. Soden, seconded by Ms. Mundell, and approved unanimously, it was**

**RESOLVED to add a remote license fee of \$300 to the renewal fee regulation project to be sent out for public notice.**

The board discussed out-of-state licensing fees again and decided to change the renewal fee for out-of-state pharmacy licenses to \$600 from the \$400 decided earlier. Ms. Zinn called Ms. Strickler and notified her of the fee change and that the board would like to add the remote license fee to the renewal fee project.

### **Lunch Break**

Off the record at 12:07 p.m.  
On the record at 1:02 p.m.

## **Agenda Item 8**

### **Investigative Report**

George Weaver, investigator, joined the meeting for the investigator's report. Mr. Weaver reviewed the open and closed cases for the board.

**On a motion duly made by Ms. Mundell, seconded by Ms. Soden, and approved unanimously, it was**

**RESOLVED in accordance with the provisions of AS 44.62.310(c)(2), to go into executive session for the purpose of discussing case #2600-05-004.**

Board Members and staff were present during executive session.  
Off the record at 1:28 p.m.  
On the record at 2:00 p.m.

**On a motion duly made by Ms. Mundell, seconded by Ms. Soden, and approved unanimously, it was**

**RESOLVED to accept the Memorandum of Agreement for Jimmie Lynn Asher, pharmacist license #1495, case #2600-05-004.**

Mr. Altland asked if the board could have Mr. Weaver contact the pharmacy in Glennallen to find out if at any time since Mr. Asher left, was the pharmacy open but no pharmacist was on duty. He noted that several times in the past, the pharmacy has been open without a licensed pharmacist on duty. Ms. Zinn stated that she had received a phone call from the CEO of Cross Road Pharmacy approximately three weeks before. Ms. Zinn told her that the pharmacist-in-charge had sent notification several weeks before that she had left her position and that a letter was sent to the pharmacy notifying them of the need to submit a change of PIC form. The CEO asked if it was necessary to send in a change of pharmacist-in-charge notification for each new pharmacist working at the pharmacy since they only work for a short time. Ms. Zinn told her that each time a pharmacist-in-charge changes, a notice is to be sent to the division so that a new license may be issued. Ms. Soden stated that she would like Mr. Weaver to follow up on the situation. Mr. Weaver stated that the Cross Road Pharmacy is anxious to have Mr. Asher's license reinstated so that he may be the pharmacist-in-charge and that he would check with them to see who currently is working there. Ms. Soden noted that it is a requirement to report to the board within 10 days of a change in pharmacy manager. Mr. Givens said he would put it in the next newsletter as a reminder.

**On a motion duly made by Ms. Mundell, seconded by Ms. Oberts and approved unanimously, it was**

**RESOLVED in accordance with the provisions of AS 44.62.310(c)(2), to go into executive session for the purpose of discussing case #2650-05-006.**

Board Members and staff remained during executive session.

Off the record at 2:12 p.m.

On the record at 2:40 p.m.

**On a motion duly made by Ms. Mundell, seconded by Ms. Soden, and approved unanimously, it was**

**RESOLVED in accordance with Alaska Statute 08.80.261(1), (2), (4), (7E), (11), (14), to deny a pharmacist license to Mahdi Cezar, case #2650-05-006.**

Mr. Altland left the room at 2:42 p.m. and returned at 2:48 p.m.



**Agenda Item 6      Regulations**

The board continued the discussion regarding regulations. Ms. Bueler noted the article in the NABP Newsletter regarding Medicare Part D, E-Prescribing. It was noted by Ms. Soden that the same information was contained in the correspondence section of the board packet. The information regarding the US Department of Health and Human Services, Centers for Medicare & Medicaid Services, Final Rule regarding E-Prescribing was discussed and the board determined that current regulations do not conflict with the rule. Ms. Bueler noted that 12 AAC 52.510 may need to be re-written to comply with the new adopted standard which does not allow language such as "dispensed as written". Ms. Soden noted that the board may have to define "hand written" in a way that would comply with the new rule. Ms. Bueler said that the board may want to wait for NABP Model Rules on E-Prescribing before it made a decision on changing the current regulations.

Ms. Zinn reviewed with the board the proposed regulation changes that were given to each board member at the beginning of the meeting. The board requested the regulation changes at a previous board meeting. Once the board reviewed the regulations and made any changes, they would be given to the regulation specialist to put in the correct format and the board would be able to vote on them to be public noticed at the next board meeting.

Mr. Weaver came back to the meeting to notify the board that he had called Cross Roads Pharmacy to verify that a pharmacist had been staffing the pharmacy. Mr. Weaver noted he confirmed that three pharmacists had been rotating at two-week intervals. Mr. Weaver also noted that once Mr. Asher starts working at Cross Roads Pharmacy, they would be monitoring him closer than the board's Memorandum of Agreement specified.

The board continued to review the proposed regulation changes. The board discussed 12 AAC 52.220(d) and decided to delete "at least once every six months" at the end of the sentence. Ms. Zinn noted that in 12 AAC 52.325 (c)(2), "must have obtained certification as a pharmacy technician by the Pharmacy Technician Certification Board (PTCB)" would be moved to be included under paragraph (a) to keep with the intent of the board to meet the continuing education requirements for all renewals, not just first time renewals. Ms. Bueler said that she had been asked if the board would consider PTCB re-certification to meet the continuing education requirements. Although the board declined to do so directly, Ms. Soden noted that the technician has to complete 20 hours of continuing education to be re-certified; those same hours maybe used for re-licensure provided the hours were obtained during the required time period.

**Agenda Item 9      Correspondence**

The board reviewed the correspondence.

NABP-December 27, 2005-Author Provides Insight Into Development of Dangerous Doses. For information only, no action required.

NABP-December 27, 2005-Experts Discuss Key Pharmacy Issues at Fall Educational Conference. For information only, no action required.

NABP-December 22, 2005-Proposed Amendments to NABP's Constitution and Bylaws. For information only, no action required.

NABP-December 22, 2005-National Drug Advisory Coalition and the National Specified List of Susceptible Products. For information only, no action required.

NABP-November 18, 2005-DSM Examinations Suspended. For information only, no action required.

NABP-November 10, 2005-Medicare Program; E-Prescribing and the Prescription Drug Program; Final Rule. Board decided no action required at this time.

NABP-Nominations for NABP's 102<sup>nd</sup> Annual Meeting. For information only, no action required.

NABP-November 4, 2005-ACPE Draft Revised Accreditation Standards and Guidelines for the Professional Program Leading to the Doctor of Pharmacy Degree. For information only, no action required.

NABP-November 4, 2005-FDA Requests Comments on the Simultaneous Marketing of Active Ingredients in Both a Prescription Drug Product and an Over-the-Counter Drug Product. For information only, no action required.

NABP-January 20, 2006-Automated Dispensing Survey Results. For information only, no action required.

Fred Meyer Pharmacy #656-January 17, 2006-Report of Theft or Loss. For information only, no action required.

Fred Meyer Pharmacy #656-January 17, 2006-Report of Theft or Loss. For information only, no action required.

Fred Meyer Pharmacy #656-January 17, 2006-Report of Theft or Loss. For information only, no action required.

Jason Reiser-January 17, 2006 e-mail-Central Filling of a Prescription. Ms. Zinn will respond.

Kiahli Mingo-December 5, 2005-Prescription Forms. For information only, no action required.

HDMA-December 27, 2005-Wholesale Drug Distributors. For information only, no action required.

New York Board of Pharmacy-Verification of Licensure For TXUSAPBM Inc. For information only, no action required.

Ms. Soden brought an article that was added to the correspondence section. The article was included in the Oregon Board of Pharmacy Newsletter titled "Pharmacy Services: Considering Moral and Ethical Objections."

Ms. Bueler noted two inquiries received via e-mail regarding pharmacist consultant services across state lines for senior care and worker's compensation. The question is, does Alaska law require a license to provide the services. After discussion the board decided a pharmacist consulting with Alaska patients constitutes the practice of pharmacy, therefore they would need to obtain an Alaska license. Ms. Zinn will respond to both inquiries.

Ms. Bueler read a letter from Dr. Thomas Hunt regarding the Anchorage Project Access, which is healthcare provided to low income uninsured citizens of Anchorage.

## **Agenda Item 7**

### **Legislative Update**

The board discussed HB 149 regarding limiting the sale of psuedoeephedrine. Ms. Oberts gave an update from the information she received from her local legislator regarding the bill.

The board recessed at 4:32 p.m. until Friday morning at 9:00 a.m.

**Friday, February 10, 2006**

**Call to Order/Roll Call**

The meeting was called to order by Cindy Bueler, Chair, February 10, 2006, at 9:07 a.m. Those present constituting a quorum of the board were:

Cindy Bueler, R. Ph.  
William Altland, R. Ph.  
Gary Givens, R. Ph.  
Mary Mundell, R. Ph.  
Leona Oberts  
Margaret Soden, R. Ph.

Michael Pauley was not present at the meeting.

Present from the Division of Corporations, Business and Professional Licensing were:

Sher Zinn, Licensing Examiner

Visitors present were:

Kathi Baldwin  
Gerald Brown  
Sharon Hamrick  
Vivian Foote  
Barry Christensen  
Ron Miller  
Lis Houchen

**Agenda Item 12      Review of Agenda**

The board reviewed the agenda and noted that license application review was not completed the previous day and would need to be added to the agenda.

Cindy Bueler noted that the meeting was Margaret Soden's last meeting on the board. Ms. Bueler thanked Ms. Soden for her many years on the board and her exemplary leadership and service, and presented her with a certificate.

**Agenda Item 13      Public Comment**

Kathi Baldwin from the University of Alaska spoke regarding the Pharmacy Technician training program. Ms. Baldwin noted that the program would increase from a 15 credit course to a 16 credit occupational certificate in 2006, which would allow the students to be eligible for financial aid. Ms. Baldwin noted that a copy of the certificate would be given to the board at a later date once the creation of the certificate was completed. The courses were approved by the Alaska Pharmacists Association to be allowed for continuing education for renewal of a pharmacy technician license in accordance with regulations. Ms. Bueler stated that the technician would not need to submit a copy of the certificate unless the licensee was audited. Mr. Baldwin further noted that the University of Hawaii would consider partnering for a pharmacy school to train pharmacists with students from UAA. The tuition rate for Alaska students would be the same as for Hawaiian students. Students would complete the first two years in Alaska then complete the final two years in Hawaii and return to Alaska to complete the internship requirements. The purpose would be to train Alaska students for pharmacy jobs in Alaska. Ms. Baldwin asked if the board would write a letter in support of the program. Ms. Bueler stated that the board would write a letter in support of the partnership program.

Vivian Foote spoke regarding the regulation that requires direct supervision of a pharmacy technician by a pharmacist. Ms. Foote noted that in a hospital setting, the pharmacist may be out of the pharmacy attending an emergency, therefore the technician would have to leave the pharmacy and wait for the pharmacist to return to resume their duties. Ms. Bueler noted that the board had already started the process to change the regulation regarding technicians in institutional pharmacies and that it may be many months before the regulation is complete.

Barry Christensen spoke as a member of the Alaska Pharmacists Association. Mr. Christensen stated he liked the board meeting coinciding with the Alaska Pharmacists Association Convention and further noted that he would like the board to consider future winter meetings also to coincide with the convention so that more pharmacists could attend the board meeting. Mr. Christensen discussed the current psuedoephedrine legislation. He noted that currently the bill is in conference committee and did not know when or if it would come out of the committee. Ms. Oberts noted that she had talked with her legislator and was told that the bill would probably stall in committee due to three bills being combined into one.

Sharon Hamrick spoke updating the board on the state's disaster preparedness program. She stated the board may contact her if they had any questions about the program.

Ron Miller asked the board if he could submit a pilot project proposal regarding pharmacy technicians doing the final check on refills by matching a bar code on the prescription with the bar code on the bottle, as discussed at the board meeting the previous day. Ms. Bueler stated that he could submit the proposal

and the board would discuss it at the next meeting. Mr. Miller noted that the proposal would include how much of the pharmacists time would be free for counseling by using the system. The board agreed that the pilot project would be worthwhile. Mr. Miller stated he would have the formal proposal for the board to review at the next meeting.

### **Break**

Off the record at 10:09 a.m.

On the record at 10:22 a.m.

Mr. Givens returned to the meeting at 10:26 a.m.

### **Agenda Item 14     NABP Update**

Ms. Bueler updated the board on the MPJE State Specific Review Committee meeting in San Diego. Ms. Bueler noted it was easier this year because the two board members who attended this year had attended last year and were familiar with the question writing process. She further noted that they had reduced the pool of questions from 2400 to 1500.

Mr. Givens gave a report on the NABP District 6, 7 and 8 meeting held in October. Mr. Givens noted that it was good to network with people from other states. The Verified Accreditation of Wholesale Distributors was the main topic of the meeting.

The board discussed the NABP Annual Meeting in April. Ms. Zinn stated if the board wanted a member to go to both the Annual Meeting and the District Meeting, the board would need to vote on it and add it to the travel budget in the board's annual report. She also noted that since the board currently has such a high deficit, that two out-of-state travels probably would not be approved by the department. It was also discussed that perhaps a board member could attend the NABP's Fall Educational Conference instead of the District Meeting. After discussion, the board decided they would choose later which meeting to attend. Ms. Zinn also noted that the division policy is that a board member may not pay their own way to a meeting and represent the board. If a board member paid their own way to a meeting, they would have to go as an individual, not as a representative of the state, therefore they could not be a voting delegate.

Mary Mundell left the room at 10:35 a.m. and returned at 10:51 a.m.

### **Agenda Item 16     CE Audit**

Ms. Zinn presented the three CE audits to the board for approval. The board discussed the audit records for Glen Windham, R Ph, and Brendan Bale, pharmacy technician.

**On a motion duly made by Ms. Soden, seconded by Mr. Givens and approved unanimously, it was**

**RESOLVED to approve the continuing education certificates submitted by Glen Windham, R Ph, for the renewal audit.**

**On a motion duly made by Ms. Soden, seconded by Mr. Givens and approved unanimously, it was**

**RESOLVED to approve the continuing education certificates submitted by Brendan Bale, pharmacy technician for the renewal audit.**

The board reviewed the memorandum of agreement for Bonnie Holm, pharmacy technician. Ms. Holm was not able to locate the certificates for the CE's sponsored by AkPha that she listed on the renewal form, therefore she was short 4.5 hours of CE verification.

**On a motion duly made by Ms. Soden, seconded by Mr. Givens and approved unanimously, it was**

**RESOLVED to approve the Memorandum of Agreement for Bonnie Jean Holm, case #2606-05-003.**

**Agenda Item 10     License Application Review**

The board reviewed the applications for pharmacists, wholesale distributors, and drug rooms.

**On a motion duly made by Ms. Soden, seconded by Ms. Mundell and approved unanimously, it was**

**RESOLVED to approve the following applications for licensure as read into the record:**

Mat-Su Regional Urgent Care-Drug Room

Mat-Su Regional Surgery Center-Drug Room

Air Liquide LP, Fairbanks-Wholesale Distributor pending Department of Public Safety Report.

Air Liquide LP, Kenai-Wholesale Distributor pending Department of Public Safety Report.

Air Liquide LP, Homer-Wholesale Distributor pending Department of Public Safety Report.

Kristopher Cyr-Pharmacist pending verification of 1500 hours of internship, passing MPJE and NAPLEX scores, corrected page 2 of application.

Anthony L. Sivick-Pharmacist pending \$250 license fee and passing MPJE score.

**Agenda item 11      AkPha Report**

Ms. Zinn noted that Nancy Davis gave her a copy of the Alaska Pharmacist Newsletter to share with the board that listed the convention CE information in lieu of giving the board a formal AkPha report at the meeting.

Ms. Bueler stated that perhaps Ms. Davis could acquire a room for the winter Board of Pharmacy meeting in the future and instructed Ms. Zinn to make the request upon returning to Juneau.

**Agenda Item 17      Old Business**

The board discussed the NABP Model Rules for Wholesale Distributors. After further discussion regarding the increase of drug counterfeiting in the country, the board decided that they would pursue licensing regulations for out-of-state wholesale distributors. The board decided to break up the current wholesale distributor regulations into sections and have each of the four pharmacists on the board review and make additions or corrections to three sections. Ms. Mundell would take sections 1, 2 and 3 of Article 6, Mr. Givens would take sections 4, 5 and 6, Ms. Bueler would take sections 7, 8, and 9 and Mr. Altland would take sections, 10, 11 and 12. It was noted since Ms. Soden would not be on the board as of March, that she would not be a part of the review of the regulations. The board members would have the review completed by April 1, 2006 and sent to Ms. Zinn so that they may be forwarded to the regulation specialist for his review and preparation for the April 27-28, 2006 board meeting.

**Break**

Off the record at 12:20 p.m.

On the record at 12:28 p.m.

**Agenda Item 18      New Business**

The board reviewed the information regarding a meeting with the District VII states and the DEA Diversion Unit. The issue of concern is disposal of drugs left behind by hospice patients. According to Gary Schnabel, R Ph, Executive Director for the Oregon Board of Pharmacy, "there appears to be some interest in developing a regional strategy". The meeting would tentatively be held in Portland, Oregon, however the board would not be able to send a member to the meeting due to financial constraints. Ms. Mundell stated she would contact Gary Schnabel, R Ph, and let him know she would be available to attend via teleconference if it was possible. Ms. Mundell noted that the issue would affect her because she has served hospice patients.

Ms. Mundell discussed the robbery of January 11, 2006, of her pharmacy, Susitna Professional Pharmacy. Ms. Mundell stated that two, armed men with face masks, gloves and covering over their boots pushed into the pharmacy just as they were getting ready to close. She further noted that they used the term



“narcotic vault” which made her think they knew pharmacy terms more than the average person. Ms. Mundell stated they called 911 but being outside the Wasilla city limits by a few tenths of a mile, were transferred to the State Troopers. She requested that the Wasilla Police Department be informed of the robbery and asked that they respond since they were closer, however the Troopers dispatcher did not contact them for help. Ms. Mundell stated “it was a tremendous source of frustration and anger for all of us”. Ms. Mundell further stated that she had driven the route from Wasilla Police Department to her pharmacy and it took approximately three minutes, and that it is approximately 20 to 25 minutes from Palmer where the Troopers are located. She further stated that if the Wasilla Police Department had responded, they may have been able to apprehend the thieves since they had escaped on foot. Ms. Mundell noted that she would fax the notification of the theft on the DEA form to Ms. Zinn as soon as it was complete. Ms. Mundell stated they would be putting in safety glass at the counter so no one would be able to get over the counter. She also noted another source of frustration was that they had asked many times in the past for additional outdoor lighting from the landlord, however he has refused to put any in. Ms. Mundell asked the board if it would be appropriate if she could draft a letter from the board to the legislature concerning mandatory sentencing of 25 years for someone who had robbed or attempted to rob a pharmacy. Ms. Bueler noted that it would be appropriate for the board to endorse such a letter, stating that it is very much a public safety issue. Ms. Soden noted that it should also be stated in the letter, that pharmacies have a commodity desirable to thieves. Ms. Oberts stated that the letter should include that the stolen medication would probably be sold to teenagers.

**Agenda Item 19      Office Business**

The board confirmed the remainder of the 2006 meetings as follows:

April 27-28, 2006-Anchorage  
September 28-29, 2006-Anchorage

The board chair signed the approved minutes. The TA’s were signed by the board members.

**On a motion duly made by Mr. Givens seconded by Ms. Soden and approved unanimously, it was**

**RESOLVED to adjourn the meeting of the Alaska State Board of Pharmacy.**

The meeting adjourned at 12:58 p.m.

Respectfully Submitted:

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Sher Zinn, Licensing Examiner

Approved:

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Cindy Bueler, R. Ph., Chair  
Alaska Board of Pharmacy

Date: \_\_\_\_\_